

Senate Judiciary Committee Amendment No. 1 (by Jordan)

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 818*

House Bill No. 1677

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting Section 1 and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-11-130, is amended by deleting the section in its entirety and by substituting instead the following:

(a) Where the defendant in a criminal case executes a bond or recognizance before any court or other person authorized by law to take the same for the defendant's personal appearance before a court to answer a criminal charge, such bond or recognizance shall be valid and binding upon the defendant and the defendant's sureties thereon until the time allowed by law for the defendant to appeal to the court of criminal appeals. If the defendant timely appeals, the defendant shall be required to make a new bond to the court of criminal appeals unless the trial judge, after examination of the bond, shall set out in a written order that the original bond is sufficient. The order shall state the reasoning of the court for finding that the original bond is sufficient. If the time for appealing to the court of criminal appeals expires and the defendant has not filed an appeal, the bondsman shall be required to surrender the defendant to the court for service of sentence.

(b) If the defendant makes a bond to the court of criminal appeals, such new bond shall terminate upon a ruling by such court. If the defendant appeals from the court of criminal appeals to the supreme court, the defendant shall be required to make a new bond to the supreme court unless the court of criminal appeals, after examination of the bond, shall set out in an order that the current

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bond is sufficient. The order shall state the reasoning of the court for finding that the bond is sufficient. Such new bond, if required, shall terminate upon a ruling by the supreme court. If the defendant does not appeal to the supreme court or when the supreme court rules on the appeal, the bondsman shall be required to surrender the defendant. The defendant shall not be required to make any other bond or recognizance unless ordered to do so by the appropriate court because the bond is insufficient in amount, the defendant's sureties are insolvent, the bail is forfeited, or any other good and sufficient cause; provided, however, sureties on the bond may surrender the defendant and be released on the bond as is provided by law.

(c) If prior to sentencing the defendant is placed on a diversion program and the judge is of the opinion the defendant should be under a bond during such diversion program, the defendant shall be required to make a new bond at that time notwithstanding that the bond executed in accordance with subsection (a) will not have terminated.

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